

REMARKS

This reply to the advisory action of May 1, 2007 is a submission in support of the request for continued examination (RCE). The applicants also enclose the amendment filed on April 19, 2007 (amendment) since it is referenced in the reply and as a submission in support of the RCE. Applicants amend claim 18. Claims 1-18 are pending. Applicants request reexamination and reconsideration of the application

In section 11 of the advisory action, the examiner says the request for reconsideration (i.e., amendment) does not place the application in condition for allowance over U.S. Patent No. 6,510,439 B1 to Rangarajan et al. (Rangarajan) and U.S. Patent No. 6,792,459 B2 to Elnozahy et al. (Elnozahy) for reasons asserted in paragraphs 1-4 on page 2 of the advisory action.

Applicants respond to paragraphs 1-4 of the advisory action below:

Paragraph 1 of the advisory action purports to address applicants' argument "that the reference, Rangarajan, does not disclose a client-side caching system." The examiner points to col. 7, lines 8-44 of Rangarajan as refuting such an argument.

Applicants have several issues with paragraph 1:

1) Applicants never made the argument. Referring to the amendment, applicants stated "Rangarajan fails to describe our client-side caching system" (emphasis added)(See amendment page 6, line 14) and "nothing in ... Rangarajan discusses our client-side caching system" (emphasis added)(See amendment page 6, lines 17 and 24 and page 7, lines 1 and 13) so this is not "applicants' argument." Thus, paragraph 1 misdirects one from considering the claimed client-side caching system.

2) Even if applicants adopted examiner's interpretation of col. 7, lines 8-44, Rangarajan fails to teach our claimed client-side caching system. This will be discussed in detail below in our response to paragraph 2 of the advisory action.

1 Paragraph 2 of the advisory action asserts that applicants have attempted to "show
2 nonobviousness by attacking the references individually where the rejections are based
3 on combinations of references."

4 However, in In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), which the
5 examiner cites, the Federal Circuit held, inter alia, that the reference did not render the
6 claimed combination prima facie obvious because the examiner ignored that a claim
7 limitation was absent in the reference.
8

9 1) Because the same claim limitation is absent in Rangarajan and Elnozahy, as a
10 combination they cannot establish a prima facie case of obviousness, that is, they fail to
11 disclose a client-side script that appends the cookie value to the request for a resource
12 such that the client automatically re-requests the resource with the appended cookie
13 value so that if the most recent version of the resource is in the client cache, the
14 resource is retrieved from the client cache rather than from the server, and if not, the
15 resource is retrieved from the server as recited in claim 1.

16 2) Rangarajan and Elnozahy specifically fail to describe a client-side script that
17 causes the client to automatically re-request the resource. Only our client-side script
18 causes the client browser to automatically re-request the resource (e.g. web page)
19 without user selection (See paragraphs [0041- 0051] of our published application).
20

21 3) Elnozahy is not about client-side caching and Rangarajan uses the cookie
22 value on the server-side to find the last accessed group of documents (See Rangarajan
23 col. 7, lines 30-44).
24

25 4) Rangarajan does not reliably use the cookie value on the client-side to
26 determine if the most recent version of the resource is in client cache (See amendment
27 page 6, line 15 - page 7, line 12).

28 5) Rangarajan cannot determine the last version of the document is in client
29 cache without returning to the server. If a document is updated at the server before the
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1 cookie EXPIRES time lapses, Rangarajan will retrieve an out-of-date document from a
2 client cache (See amendment page 7, line 23 through page 7, line 27).

3 6) Rangarajan makes unnecessary trips to the server for the full document. If the
4 time between two client requests exceeds a time-out period, Rangarajan discards the
5 cookie as out-of-date. If the document was not modified between the time of the first
6 and second client requests, the user's second client request returns to the server for the
7 full document even if the client cache contains the most recent version. Rangarajan's
8 cookie expires technique wastes network bandwidth and increases page latency
9 compared to the claimed invention (See amendment page 7, line 29 - page 8, line 5).

10
11 Paragraph 3 of the advisory action asserts that knowledge generally available to one of
12 ordinary skill in the art would suggest combining the references.

13 With respect to paragraph 3, applicants respectfully submit as follows:
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15 1) Even if we combine the references as examiner suggests, it fails to describe
16 the claimed invention as discussed in connection with paragraph 2.

17
18 2) Combining the references as examiner suggests will destroy Rangarajan's
19 function to provide coherent access to users of different versions of documents stored
20 on an HTTP server (See amendment page 9, line 23 - page 10, line 7).

21 3) The examiner never tells us how to avoid destroying Rangarajan's functions.
22

23 4) The examiner never states any fact to support the conclusion that generally
24 available knowledge would have suggested the combination.

25 Paragraph 4 of the advisory action asserts that applicants argued that it is insufficient to
26 combine Elnozahy's client-side scripts into the Rangarajan because they cannot be
27 bodily incorporated into Rangarajan.
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29 With respect to paragraph 4, applicants respectfully submit as follows:
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1 1) We don't see how one of ordinary skill would be so motivated, but we also did
2 not argue this. Instead we stated (1) Elnozahy fails to discuss client-side caching
3 systems (See amendment page 9, line 12-13), (2) Elnozahy's client-side scripts are not
4 related to client-side caching (See amendment page 9, lines 3-11), and (3) the
5 examiner's proposal to shift Rangarajan's server-side operation to the client-side would
6 destroy Rangarajan's function (See amendment page 9, lines 16 - page 10, line 7).

7 2) In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Clr. 1984) states an
8 obviousness rejection based on a modification of a reference such as Rangarajan that
9 destroys its intent, purpose, or function is not proper since there is no technological
10 motivation for the modification.

11
12 3) Because the examiner suggests a modification that results in destroying the
13 primary reference's function, the burden has shifted to the examiner to introduce
14 evidence why one of ordinary skill would want to make the proposed modifications.

15 If the next communication is not a notice of allowance, please send an email to my
16 address below to schedule a PTO interview before your next Office action.

17
18 This is my authorization to communicate by email: "recognizing Internet
19 communications are not secure, I authorize the USPTO to communicate with me
20 concerning the subject matter of this application by email and understand a copy of
21 these communications will be made of record in the application file."

22
23 Respectfully submitted,

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